

## 1 HOUSE JOINT RESOLUTION NO. 3

2 INTRODUCED BY JACKSON

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 MONTANA URGING THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO  
6 ENTER INTO NEGOTIATIONS WITH THE UNITED STATES BUREAU OF RECLAMATION TO DETERMINE  
7 THE AVAILABILITY AND COST OF WATER STORED BEHIND HUNGRY HORSE DAM FOR WHICH THE  
8 STATE OF MONTANA MIGHT CONTRACT TO SUPPORT FUTURE WATER DEVELOPMENT AND EXISTING  
9 WATER USE IN THE CLARK FORK RIVER BASIN.

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11 WHEREAS, the 2001 Montana Legislature passed House Bill No. 397 creating the Clark Fork River  
12 basin task force and directing it to write a water management plan for the Clark Fork River basin that identifies  
13 options to protect the security of water rights, provides for the orderly development of water, and provides for  
14 the conservation of water in the future; and

15 WHEREAS, the Clark Fork task force on August 16, 2004, adopted "The Clark Fork River Basin Water  
16 Management Plan"; and

17 WHEREAS, the Clark Fork task force concludes in the plan that the basin's hydroelectric utility water  
18 rights likely pose a constraint on future basin water development and a risk to water use based on water rights  
19 junior to the hydroelectric rights; and

20 WHEREAS, Hungry Horse Reservoir was constructed and is operated by the United States Department  
21 of the Interior Bureau of Reclamation "for the purpose of irrigation and reclamation of arid lands, for controlling  
22 flood, improving navigation, regulating the flow of the South Fork of the Flathead River, for the generation of  
23 electric energy, and for other beneficial uses primarily in the State of Montana, but also for downstream uses";  
24 and

25 WHEREAS, in its application of water right, the United States Bureau of Reclamation claimed 3.5 million  
26 acre-feet of storage for future sales; and

27 WHEREAS, no contracts for the sale of Hungry Horse water have been issued to date; and

28 WHEREAS, the plan concludes that water stored in Hungry Horse Reservoir could be released in a  
29 manner that would allow new water development in the Clark Fork River basin without adversely affecting  
30 downstream existing hydroelectric water rights; and

1           WHEREAS, water stored in Hungry Horse Reservoir could also be released in the amount used by water  
2 users with water rights junior to the hydroelectric utilities, thereby precluding the need for the hydroelectric  
3 utilities to make a call on junior water right holders; and

4           WHEREAS, the plan recommends that the State of Montana open discussions with the United States  
5 Bureau of Reclamation to determine the availability and cost of temporary and long-term contracting options and  
6 to determine a quantity of firm storage available from Hungry Horse Reservoir for Montana uses other than  
7 hydroelectric power.

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9           NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF  
10 THE STATE OF MONTANA:

11           That the Montana Department of Natural Resources and Conservation be urged to enter into  
12 negotiations with the United States Bureau of Reclamation to determine the availability and cost of water stored  
13 behind Hungry Horse Dam for which the State of Montana might contract to support existing water use and  
14 future water development in the Clark Fork River basin.

15           BE IT FURTHER RESOLVED, that the Montana Department of Natural Resources and Conservation  
16 report to the Environmental Quality Council and the Clark Fork River basin task force the results of these  
17 negotiations prior to January 1, 2007.

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